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10/771,890	02/04/2004	Hobie Reber	HOB-P-04-001	3879
29013	7590	12/20/2005	EXAMINER	
PATENTS+TMS, P.C. 2849 W. ARMITAGE AVE. CHICAGO, IL 60647			ALLEN, WILLIAM J	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/771,890

Applicant(s)

REBER, HOBIE

Examiner

William J. Allen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 2/04/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/27/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

Claim 19 is objected to because of the following informalities: Claim 19 reads "information **base** on the user information" and should read "information **based** on the user information". Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1-6, 8-16, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fano (US 2005/0091118) in view of Erickson (US 6,014,644).**

**Regarding claim 8, Fano teaches:**

*providing a computer network (see at least: [0038]; [0176]; FIG. 10A);*

*providing a database connected to the computer network wherein the database includes merchant information associated with the merchant and further wherein the merchant information includes the location of the merchant within the multi-dealer retail establishment (see at least: [0009]; [0028]; FIG. 27). The Examiner notes that the PDA device works in conjunction with the GPS system to display the physical location of the*

user on a map of the mall (*multi-detail retailer establishment*) the user is currently in. The map further displays merchant location and destination information. It is thereby inherent that a database exist containing map and location information for the merchants in the mall in order to display such information on the display of the PDA or other similar device;

*inputting a product list of the merchant into the merchant information in the database wherein the product list includes item information associated the item offered for sale by the merchant (see at least: [0178]).*

*providing a display a first access to the database for viewing the merchant information of the merchant in the database via the computer network (see at least: [0282]; [0288]; FIG. 27);*

*searching the product list in the merchant information based on the item information associated with the item (see at least: [0284]; [0288]; FIG. 27).* The Examiner notes that the search is automatically done by the system in order to display products of interest to the user based on product information input by the user that matches the information in the product information in the database;

*determining the location of the merchant in the multi-dealer retail establishment based on the merchant information associated with the item information in the product list (see at least: [0288]; FIG. 27).*

Fano, however, does not show a single database containing both location information and product information for a merchant. Erickson teaches a system and method for facilitating communication between multiple buyers and suppliers in which a

database contains information on a number of buyers and suppliers (see at least: abstract). Erickson differs from Fano in that Erickson provides a single database for storing merchant information as opposed to two or more databases (see at least: col. 3, lines 31-42). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Fano to have included a single database containing merchant information as taught by Erickson in order to provide rapid access to desired information (see at least: Erickson, col. 3, lines 31-42).

**Regarding claim 9**, Fano further discloses *wherein the computer network is the Internet* (see at least: [0075]; [0154]; [0197]).

**Regarding claim 10**, Fano further discloses *wherein the first access to the database is wireless* (see at least: [0176]; FIG. 10A and 17).

**Regarding claim 11**, Fano further discloses *providing a remote server and storing the database on the remote server* (see at least: FIG. 10A, 17, 24-25).

**Regarding claim 12**, Fano teaches all of the above and further teaches inputting product list as part of merchant information (see at least: [0178]). Fano, however, does not teach *a second access to the database for modifying the merchant information in the database via the computer network*. Erickson teaches providing access to the database to both buyers and suppliers/vendors (i.e. a first and second access). Vendors

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may enter information in the database to allow potential buyers to identify various products or services of interest. Additionally, submitted information may be updated as often as the buyer or supplier/vendor wishes (see at least: col. 3, lines 14-30). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Fano to have included providing a second access to the database as taught by Erickson in order to allow suppliers to access and update submitted in order to maintain currency (see at least: col. 3, lines 29-30).

**Regarding claim 13,** Fano further discloses *wherein the first access is from a remote computer terminal with respect to the database* (see at least: FIG. 10A and 17).

**Regarding claim 14,** Fano further discloses *providing a password for accessing the merchant information in the database via the computer system* (see at least: [0210]; FIG. 20)

**Regarding claim 15,** Fano further discloses *wherein the first access to the database is a computer website on the computer network wherein the computer website is remote with respect to the database* (see at least: [0171]-[0173]; FIG. 20-23).

**Regarding claim 16,** Fano further discloses *displaying the location of the merchant in the multi-dealer establishment on a map wherein the map is associated with the multi-dealer retail establishment* (see at least: [0284]; [-288]; FIG. 27).

**Regarding claim 18**, Fano further discloses *wherein the item information includes geographical information associated with the item information for sale by the merchant* (see at least: [0282]; [0286]; [0288]; FIG. 27).

**Regarding claim 19**, Fano further discloses *inputting user information into the database via the computer system wherein the user information is associate with the user* (see at least: [0182]-[0185]; [0265]-0266]; [0284]); and *searching the product list in the merchant information based on the user information* (see at least: [0288]). The Examiner notes that the system searches the merchant databases for inputted items of interest.

**Regarding claims 1-6**, the language of claims 1-6 closely parallels that of claims 8-9, 11-12, 14 and 16. Claims 1-6 are thereby analyzed and rejected under the same rationale.

**2. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fano (US 2005/0091118) in view of Erickson (US 6,014,644), as applied to claims 1-6, 8-16, and 18-19, and in further view of Ling (US 20020002538).**

Fano and Erickson teach all of the above as noted and further teach entering product information into the database (see at least: Fano, [0179]; [0202]). Fano and

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Erickson, however, do not teach *downloading an image into the item information of the item in the database via the computer network wherein the image is associated with the product*. Ling teaches a system and method for electronic purchases. Ling additionally teaches a product database containing product information including product images, descriptions, stock available, etc. (see at least: [0076]). It would have been obvious to one of ordinary skill in the art to have modified the invention of Fano and Erickson to have included downloading item images associated with items in a database as taught by Ling in order to provide information useful for handling web-based sales of products and services (see at least: Ling, [0076]).

**Regarding claim 7**, the language of claim 7 closely parallels that of claim 17.

Claim 7 is analyzed and rejected on the same rationale.

**3. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fano (US 2005/0091118) in view of Erickson (US 6,014,644), as applied to claims 1-6, 8-16, and 18-19, and in further view of Schuller et al. (US 2001/0047250, herein referred to as Schuller).**

**Regarding claim 20**, Fano and Erickson teach all of the above as noted and further teach entering merchant information including product offerings into a database (see at least: Fano [0178]). Additionally, the system of Fano informs users of the availability of items of interest in surrounding stores (see at least: Fano, abstract;



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[0286]). Fano and Erickson, however, do not teach *inputting inventory of the merchant into the database via the computer system wherein the inventory is associated with the product list of the merchant and further wherein the inventory includes the item for sale and modifying the inventory of the merchant via the computer system*. Schuller teaches a system for viewing and purchasing structural and decorative materials. The system includes a database containing vendor information such as product prices, stock availability (i.e. inputted *inventory* of the vendor), location, etc. The system also provides for updated (i.e. *modified*) inventory information (see at least: abstract; [0049]). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Fano and Erickson to have included inputting and modifying inventory information as taught by Schuller in order to offer a user in a geographic location a list of stores where desired purchases can be made (see at least: [0049]).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US 6,615,184 to Hicks discloses a system for uploading supplier information including products and services to a server.
- US 5,895,454 to Harrington discloses a method for conducting sales in a networked computer environment including uploading vendor information into a database

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- 6,101,485 to Fortenberry et al. discloses a method for selling items electronically including providing images of desired products
- 6,304,855 to Burke discloses a system for generating representation of store shelves including product package images

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Allen whose telephone number is (571) 272-1443. The examiner can normally be reached on 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn W. Coggins can be reached on (571) 272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William J. Allen  
Patent Examiner  
December 11, 2005

  
12/12/05